

REMARKS

Reconsideration and allowance of the subject application are respectfully requested. By this Amendment, Applicant has amended independent claims 1 and 11. Upon entry of this Amendment, claims 1-22 are all the claims pending in the application. In response to the Office Action, Applicant respectfully submits that the claims define patentable subject matter.

Claims 1-22 are now rejected under 35 U.S.C. § 103(a) as being unpatentable over newly cited Hancock et al. (U.S. Patent No. 6,764,037, hereafter "Hancock") in view of LeNoue et al. (U.S. Patent No. 5,328,123, hereafter "LeNoue") and Maehara (U.S. Patent No. 4,46,585). Applicant respectfully traverses these rejections.

In the Office Action dated May 30, 2006, the Examiner asserted that LeNoue discloses border portions 74 between the walls 72 and the ceiling/floor plates are thinner than the plates.¹

In the Amendment filed on August 30, 2006, Applicant submitted that LeNoue does not teach, disclose or suggest that the grooves 74 are formed at a **border portion** between the peripheral wall and the ceiling plate or at a border portion between the peripheral wall and the floor.

In response, the Examiner asserts:

LeNoue et al teaches making border portions between the walls 72 and the ceiling/floor plates thinner than the ceiling and floor plates. The depth of the grooves 74 forming the thinner border portions are 30% to 50% of the thickness of the ceiling of floor plate (col. 4, lines 9-12).²

¹ Pages 2-3 of the Office Action dated May 30, 2006.

² Pages 2-3 of the Office Action dated May 7, 2007.

Applicant respectfully disagrees with the Examiner's position and submits that the claims would not have been rendered obvious in view of Hancock, LeNoue, and Maehara. In particular, Applicant respectfully submits that there is simply no disclosure in LeNoue of the feature "at least one of a border portion between the peripheral wall and the ceiling plate and a border portion between the peripheral wall and the floor plate is thinner than a thickness of the peripheral wall", as recited in independent claim 1 and analogously recited in independent claim 11.

The claimed invention discloses that a groove portion 60 is formed at an inner surface of a curved portion 16D which is a border portion between a ceiling plate 16C of the upper case 16 and the right wall 12B (peripheral wall 16A), and at an inner surface of a curved portion 18D which is a border portion between the floor plate 18C of the lower case 18 and the right wall 12B (peripheral wall 18A) (see page 23 of the original specification). The depth of the groove portion is formed to be thinner than a thickness of the peripheral walls 16A and 18A (pages 23 and 28 of the original specification).

LeNoue teaches a method of eliminating sink by reducing the thickness of the lower wall 48 to compensate for the excess plastic material required to form the strengthening ribs 72 (column 3, lines 61-67). LeNoue further teaches that a groove 74 located at a side of the strengthening ribs 72 extends into the lower wall 48 for at least between 30% to 50% of the thickness of the lower wall 48 (column 4, lines 4-12).

Nowhere do the cited portions (or any other portion) of LeNoue teach or suggest that a border portion between the peripheral wall and the ceiling plate and between the peripheral wall

and the floor plate is thinner than a thickness of the peripheral wall as required by independent claim 1 and analogously required by independent claim 11.

The Examiner appears to acknowledge that LeNoue does not teach or suggest this feature of the claims, since the Examiner asserts that:

LeNoue teaches making border portions (associated with grooves 74) between a vertical wall and a ceiling or floor plate of a cartridge case thinner than the vertical walls to prevent deformation of the cartridge case during cooling immediately after molding by eliminating excess wall thickness at intersections. It would have been clear to other wall intersections where thickening would be present such as the intersections between peripheral walls and the floor and ceiling plates to prevent deformation of the case in these areas.³

Applicant respectfully submits that the Examiner's rationale is flawed for at least the following reasons.

First, contrary to the Examiner's assertions, LeNoue simply does not teach or suggest making border portions (associated with grooves 74) between a vertical wall and a ceiling or floor plate of a cartridge case thinner than the vertical walls. As discussed above, LeNoue teaches that the groove 74 extends into the lower wall 48 for at least 30% to 50% of the thickness of the lower wall, **not** a peripheral (or vertical) wall.

Second, Applicant believes that the Examiner's apparent conclusion that it would have been obvious to make the intersections between the peripheral wall and the floor and ceiling plates thinner, could be based only on impermissible hindsight reasoning. Nothing in the prior art suggests the desirability, and thus the obviousness, of making this modification.

³ Page 4 of the Office Action dated May 7, 2007.

Further, Applicant respectfully submits that there is no teaching or suggestion in the cited references of “arc-shaped guide walls located in an inner surface of the upper case and an inner surface of the lower case, and which support an arc-shaped door between the inner surface of the upper case and the inner surface of the lower case”, as recited in amended independent claims 1 and 11. Hancock appears to disclose an aperture/groove 370 through which member 420 slides. However, there is no disclosure in Hancock (or any of the other cited references) of “arc-shaped guide walls located in an inner surface of the upper case and an inner surface of the lower case”, as required by the claims.

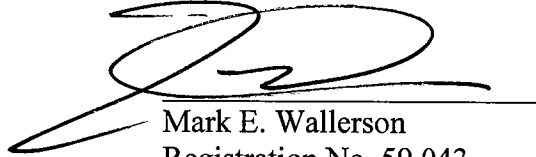
Therefore, Applicant respectfully submits that the presently claimed invention would not have been rendered obvious to one of ordinary skill in the art, and that the cited references would not have taught or suggested the recitation of the structure claimed in the present application.

Accordingly, Applicant submits that independent claims 1 and 11, as well as dependent claims 2-10 and 12-22 should be allowable because the cited references do not teach or suggest all of the features of the claims.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Mark E. Wallerson
Registration No. 59,043

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: September 6, 2007